

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
v.)
)
)
SHAWN GREINER,)
)
)
Defendant.)

No. 3:20-CR-044-TAV-HBG

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case is before the Court on Defendant Greiner's Motion to Continue [Doc. 17], filed on July 31, 2020.

Defendant Greiner requests for the Court to continue the October 13, 2020 trial date, as well as the motion and plea deadlines in this case. Defendant asserts that granting a continuance in the present case will serve the ends of justice by providing additional time to properly prepare the case and permit the parties the opportunity to make a full resolution of all pending issues. Defendant notes the difficulties in communication with defense counsel due to the COVID-19 pandemic. Further, the motion states that counsel has explained the right to a speedy trial to the Defendant, who understands that all time between the filing of the motion and the new trial date will be fully excludable. The motion also relates that the Government does not object to the requested continuance. The parties have conferred with Chambers and agreed on a new trial date of March 9, 2021.

The Court finds the Defendant's motion to continue the trial and other deadlines to be unopposed by the Government and to be well-taken. The Court also finds that the ends of justice served by granting a continuance outweigh the interest of the Defendant and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Indictment [Doc. 10] charges Defendant with attempted enticement, in violation of 18 U.S.C. § 2422(b), and possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(8). Assistant Federal Defender Mary Margaret Kincaid relates that she needs additional time to resolve pretrial matters and to prepare the case for trial. The Court finds that without a continuance, defense counsel would not have the reasonable time necessary to prepare for trial, despite counsel's exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

Accordingly, Defendant's unopposed motion [**Doc. 17**] to continue the trial date is **GRANTED**, and the trial is reset to **March 9, 2021**. The Court finds that all the time between the filing of the motion for a continuance on **July 31, 2020**, and the new trial date of **March 9, 2021**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(1)(D) & -(7)(A)-(B). With regard to additional scheduling in this case, the deadline for filing pretrial motions is extended to **October 12, 2020**. Responses to pretrial motions are due on or before **October 26, 2020**. The parties are to appear before the undersigned for a final pretrial conference on **February 23, 2021, at 1:30 p.m.** This date shall also be the deadline for concluding plea negotiations and providing reciprocal discovery. The Court instructs the parties that all motions *in limine* must also be filed no later than **February 26, 2021**. Special requests for jury instructions shall be submitted to the District Judge no later than **March 1, 2021**, and shall be supported by citations to authority pursuant to Local Rule 7.4.

Accordingly, it is **ORDERED** as follows:

- (1) The Defendant's Motion to Continue [**Doc. 17**] is **GRANTED**;

- (2) The trial of this matter is reset to commence on **March 9, 2021, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;
- (3) All time between the filing of the motion on **July 31, 2020**, and the new trial date of **March 9, 2021**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) The deadline for filing pretrial motions is extended to **October 12, 2020**. Responses to pretrial motions are due on or before **October 26, 2020**;
- (5) The parties are to appear before the undersigned for a final pretrial conference on **February 23, 2021 at 1:30 p.m.** This date is also the deadline for concluding plea negotiations and for providing reciprocal discovery;
- (6) The Court instructs the parties that all motions *in limine* must be filed no later than **February 26, 2021**; and
- (7) Special requests for jury instructions shall be submitted to the District Judge no later than **March 1, 2021**, and shall be supported by citations to authority pursuant to Local Rule 7.4.

IT IS SO ORDERED.

ENTER:



United States Magistrate Judge